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FACSIMILE COVER SHEET

Date: March 8, 2005	Client & Matter Number: 16869P-015010US	No. Pages (including this one): 2
TO: Examiner Pham USPTO	At Fax Number: 571 273 4040	Confirmation Phone Number:
From : George B. F. Yee		(5252)

RE: U.S. Appl. No. 10/685,743, filed October 14, 2003
interview March 10, 2005 2PM (est)

Examiner Pham:

Thank you for the opportunity to discuss the claims prior to examination. Following is a brief outline of points for the discussion:

A. Section 112, 1st paragraph: Support for the claim language cited in this Section 112 rejection is provided in paragraph [33], lines 23-30 (discussion of Fig. 4) and in paragraph [36], lines 22-26, discussion of Fig. 5

B. Section 102:

i. Micka et al. disclose the provisioning of a sequencer program in the host system. Col. 3, lines 10-15.

(a) The sequencer program performs the operations disclosed in col. 7, lines 35-42 Micka et al. to identify a checkpoint group of info. packets.

(b) The checkpoint group is then sent to the secondary site (18, Fig. 2) via ESCON CTC link.

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- (c) If info. packets are lost due to failure in the ESCON CTC link, the secondary site cannot maintain consistency.
- ii. In the present invention, data consistency is achieved by operations performed within the secondary storage system itself. Reference claim 1, lines 12-16 as originally filed.
- (a) Thus, even if data blocks to the secondary are lost due to failed communication to the secondary, the secondary can still maintain data consistency.
- (b) This is a patentably distinguishing aspect of the present invention.
- (c) Also, Micka et al. require a software upgrade (i.e., the sequencer) to be made in the host system. The present invention does not require a host upgrade since the consistency operations are performed in the secondary storage system.

I look forward to our discussion on Thursday, March 10.

Sincerely,
George Yee

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